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*Attorney for Plaintiff, Tamara Williams.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

TAMARA WAREKA p/k/a TAMARA  
WILLIAMS,

Plaintiff,

v.

TWIST ME PRETTY, LLC a Utah limited  
liability company; and DOES 1 through 10,  
inclusive,

Defendant(s).

Case No.: 2:24-cv-235

**COMPLAINT FOR:  
COPYRIGHT INFRINGEMENT  
(17 U.S.C. § 501);  
JURY DEMANDED**

1 Plaintiff, Tamara Williams, Inc. (“Williams”), complains against Defendants, Twist  
2 Me Pretty (“Defendant” or “TMP”) and DOES 1 through 10 inclusive (collectively,  
3 “Defendants”) as follows:

#### 4 **JURISDICTION AND VENUE**

5 1. This is a civil action seeking damages and injunctive relief against Peterson  
6 for copyright infringement under the Copyright Act, 17 U.S.C. §§ 101 *et seq.*

7 2. This Court has subject matter jurisdiction under the United States Copyright  
8 Act, 17 U.S.C. §§ 101 *et seq.*; 28 U.S.C. § 1331 (federal question), and 28 U.S.C. §§  
9 1338(a) (copyright).

10 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 28 U.S.C.  
11 § 1400(a) in that is the judicial district in which a substantial part of the acts and omissions  
12 giving rise to the claims occurred, Defendant resides in or can be found in this district,  
13 Defendant conducts regular and substantial business in this district and/or is a corporate  
14 defendant whose contacts with this district are sufficient to subject it the personal  
15 jurisdiction of this Court.

#### 16 **THE PARTIES**

17 4. Plaintiff Tamara Wareka p/k/a Tamara Williams (“Williams”) is an individual  
18 and professional photographer.

19 5. Defendant Twist Me Pretty LLC is a limited liability company incorporated in  
20 the State of Utah with a principal place of business at 945 West Arabian Circle Kaysville,  
21 UT 84037.

22 6. TMP has one or more offices and employees in Utah, has conducted regular  
23 and substantial business throughout Utah including this judicial district, and has transacted  
24 business with many individuals or businesses residing throughout Utah including this  
25 judicial district.

26 7. The true names and capacities of Defendants DOES 1 through 10, inclusive,  
27 are presently unknown to Plaintiff, and for that reason, sues them by such fictitious names.  
28 Plaintiff is informed and believes that each of the fictitiously-named defendants is

1 responsible in some capacity for the occurrences herein alleged, and on that basis, believes  
2 damages as herein alleged were proximately caused by the conduct of Does 1 through 10,  
3 inclusive. Plaintiff will seek to amend this complaint when the true names and capacities of  
4 Does 1 through 10, inclusive, are ascertained. As alleged herein, “Defendant” shall mean  
5 all named Defendants and all fictitiously-named Defendants.

6 8. For the purposes of this Complaint, unless otherwise indicated, “Defendant”  
7 includes all agents, employees, officers, members, directors, heirs, successors, assigns,  
8 principals, trustees, sureties, subrogates, representatives, and insurers of Defendant named  
9 in this caption.

## 10 **STATEMENT OF FACTS**

### 11 ***Plaintiff Tamara Williams***

12 9. Plaintiff Tamara Williams is a highly successful freelance photographer  
13 specializing in beauty and fashion photography. Williams is most well-known for her  
14 natural and clean model portraiture featured on her highly popular Instagram account  
15 @tamarawilliams, previously @tamarawilliams1, which has over 600,000 followers.

16 10. Williams’ work has been featured in top publication such as *Vogue*, *Harper’s*  
17 *Bazaar*, *Marie Claire*, *Elle*, *L’Officiel*, *Glamour*, *Cosmopolitan*, *Maxim*, and many more.  
18 Additionally, her work has been used commercially by brands such as *NARS*, *KKW*, *Fenty*  
19 and *Benefit*.

20 11. Williams is the author and exclusive rights holder to an original close up  
21 beauty photograph of a model named Audreyana (the “Beauty Photograph”).

22 12. Williams’ Beauty Photograph as originally published contained included a  
23 watermark “@tamarawilliams1” (“Plaintiff’s Watermark”) referencing Williams’  
24 Instagram account.

25 13. A true and correct copy of Williams’ Beauty Photograph, which includes  
26 Plaintiff’s Watermark is attached hereto as Exhibit A.

1 14. Williams registered the Beauty Photograph with the United States Copyright  
2 Office under registration number VA 2-130-596, with an effective registration date of  
3 December 13, 2018.

4 15. A true and correct copy of registration certificate VA 2-130-596 is attached  
5 hereto as Exhibit B.

6 ***Defendant Twist Me Pretty LLC***

7 16. Defendant Twist Me Pretty is a popular online beauty, fashion and lifestyle  
8 brand that promotes various products and services through video tutorial and promotional  
9 posts. As part of its business model, Defendant often provides direct links to shop product  
10 for the products recommended in individual posts and tutorials, as well as links to  
11 Defendant's amazon storefront, which indicates that Defendant "earns commissions" on the  
12 products listed on that page <https://www.amazon.com/shop/twistmepretty>. See generally  
13 <https://www.twistmepretty.com/about-2/>.

14 17. On information and belief, Defendant is the owner, manager, and operator of  
15 the website <https://www.twistmepretty.com> ("Defendant's Website") which contains  
16 hundreds of post promoting specific beauty, fashion, hair, and lifestyle products as well  
17 extensive third party pop-up advertisements.

18 18. On information and belief, Defendant's Website generates content that  
19 promotes its products, services, and to attract user traffic to Defendant's commercial  
20 website and generate business for the company.

21 19. At all relevant times, Defendant's Website was readily accessible to the  
22 general public throughout Utah, the United States, and the world.

23 20. On information and belief, Defendant is the owner, manager and operator of a  
24 commercial Pinterest page which is created to promote Defendant's products and services,  
25 attract social media followers and user traffic to Defendant's Website, and generate profit  
26 and revenue for the company and its owners(s) and links directly to Defendant's Website.  
27 ("Defendant's Pinterest") See <https://www.pinterest.com/twistmepretty/>  
28

1           21. On information and belief, Defendant's Pinterest generates content that  
2 promotes its products, services, and to attract user traffic to Defendant's Website and  
3 generate business for the company.

4           22. At all relevant times, Defendant's Pinterest was readily accessible to the  
5 general public throughout Utah, the United States, and the world.

6           23. On information and belief, Defendant TMP is and was at all relevant times the  
7 manager, operator, and owner of the @twistmepretty Instagram page which has over 55,000  
8 followers ("Defendant's Instagram").

9           24. On information and belief, Defendant's Instagram generates content that  
10 promotes its products, services, and to attract user traffic to Defendant's commercial  
11 website and generate business for the company.

12           25. At all relevant times, Defendant's Instagram was readily accessible to the  
13 general public throughout Utah, the United States, and the world.

14                           ***Defendant's Infringing Conduct***

15           26. On or about January 23, 2023, Williams discovered that TMP used the Beauty  
16 Photograph, with the Plaintiff's Watermark, in a post on Defendant's Pinterest titled "Easy  
17 Valentine's Makeup Tutorial + bold lip and poppin' highlight" ("Pinterest Post").

18           27. A true and correct screenshot of the Beauty Photograph with Plaintiff's  
19 Watermark on Defendant's Pinterest is attached hereto as Exhibit C.

20           28. The Pinterest Post directly linked to Defendant's Website in such a way that  
21 when a Pinterest user would click on the Beauty Photograph, they would be directly taken  
22 to Defendant's Website.

23           29. On or about January 23, 2023, Williams discovered the Beauty Photograph,  
24 with Plaintiff's Watermark had also been used on Defendant's Website in a post titled  
25 "Easy Valentine's Makeup Tutorial + bold lip and poppin' highlight" ("Website Post").

26           30. A true and correct copy of the Beauty Photograph on Defendant's Website is  
27 attached hereto as Exhibit D.

1           31. Shortly after discovering the Beauty Photograph in the Pinterest Post and the  
2 Website Post, Plaintiff, via counsel, reached out to Defendant to have the Beauty  
3 Photograph removed and to be compensated for the use of her Beauty Photograph, but the  
4 parties were unable to come to a resolution.

5           32. On or about March 19, 2024, Williams, via counsel, discovered her Beauty  
6 Photograph, with Plaintiff's Watermark, being used on the Defendant's Instagram in a  
7 "story" post that was permanently pinned to the top of Defendant's Instagram, in a post  
8 promoting a Valentine's Day Makeup Tutorial and directly linking users to Defendant's  
9 Website ("Instagram Post").

10           33. A true and correct copy of the Beauty Photograph on Defendant's Instagram is  
11 attached hereto as Exhibit E.

12           34. Despite being notified by Plaintiff that Defendant did not have permission to  
13 use the Beauty Photograph, Defendant failed to remove the Beauty Photograph from  
14 Defendant's Instagram.

15           35. The Pinterest Post, the Website Post, and the Instagram Post shall collectively  
16 be referred to as the "Infringing Posts".

17           36. Williams has never at any point given TMP a license or other permission to  
18 copy, display, distribute, or otherwise use the Beauty Photograph in the Infringing Posts on  
19 Defendant's Pinterest, Defendant's Website, or Defendant's Instagram.

20           Williams is informed and believes that the purpose of the use of the Beauty  
21 Photograph on Defendant's Pinterest, Defendant's Website, or Defendant's Instagram was  
22 to promote and encourage sales of the products that Defendant was recommending by  
23 providing a high-quality, professionally-produced photograph to assist the viewer in  
24 visualizing the results that could be achieved by using the recommended products, as well  
25 as to assist with getting traffic to Defendant's Website.

26           37. Williams is informed and believes Defendant (including its employees, agents,  
27 contractors or others over whom it has responsibility and control) used, displayed,  
28 published, and otherwise held out to the public Williams' original and unique Beauty

1 Photograph for commercial benefit in order to acquire a direct financial benefit, through  
2 revenue from the sales of the recommended products and/or via the banner advertisements  
3 directly on the webpage of Defendant's Website from use of the Beauty Photograph.

4 38. TMP (including its employees, agents, contractors, or others over whom it has  
5 responsibility and control) copied and uploaded the Beauty Photograph to Defendant's  
6 Website, Defendant's Pinterest, and Defendant's Instagram without Williams' consent.

7 39. On information and belief, Defendant's use of the Beauty Photograph was  
8 deliberate and willful because it knew or should have known that it did not purchase a  
9 license to use the Beauty Photograph as the Beauty Photograph contained Plaintiff's  
10 Watermark, indicating who the copyright holder is and therefore who to seek permission  
11 from for use of the Beauty Photograph. Further, Defendant continued to use the Beauty  
12 Photograph on Defendant's Instagram despite notification that Defendant's use of the  
13 Beauty Photograph was unauthorized.

#### 14 **CLAIM FOR RELIEF**

#### 15 **(Copyright Infringement, 17 U.S.C. § 501)**

16 40. Plaintiff did not consent to, authorize, permit, or allow in any manner the  
17 said use of the unique and original Beauty Photographs.

18 41. Plaintiff is informed and believes and thereon alleges that the Defendants  
19 willfully infringed upon the copyrighted Beauty Photographs in violation of Title 17 of the  
20 U.S. Code, in that it used, copied, published, communicated, posted, publicized, and  
21 otherwise held out to the public for commercial benefit, the original and unique Beauty  
22 Photographs without Plaintiff's consent or authority, by using it in the Infringing Posts on  
23 Defendant's Website, Defendant's Pinterest, and Defendant's Instagram. .

24 42. As a result of Defendant(s)' violations of Title 17 of the U.S. Code, Plaintiff  
25 is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory damages in an  
26 amount up to \$150,000 pursuant to 17 U.S.C. § 504(c).

27 43. As a result of the Defendant's violations of Title 17 of the U.S. Code, the  
28 court in its discretion may allow the recovery of full costs as well as reasonable attorney's

1 fees and costs pursuant to 17 U.S.C § 505 from Defendant.

2 44. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement  
3 of his copyright pursuant to 17 U.S.C. § 502.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Williams requests judgment against Defendants as follows:

6 1. For a finding that Defendant infringed Plaintiff's copyright interest in the  
7 Beauty Photographs by copying and displaying it for commercial purposes without a  
8 license or consent;

9 2. For an award of actual damages and disgorgement of all of Defendant(s)'   
10 profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be  
11 proven or, in the alternative, at Plaintiff's election, an award for statutory damages against  
12 Defendant(s) in an amount up to \$150,000 for each infringement pursuant to 17 U.S.C.  
13 § 504(c), whichever is larger;

14 3. For an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any  
15 infringing use of any Plaintiff's copyrighted works;

16 4. For costs of litigation and reasonable attorney's fees against Defendant  
17 pursuant to 17 U.S.C. § 505

18 5. For pre- and post- judgment interests as permitted by law; and

19 6. For any such other and further relief as the Court may deem just and  
20 appropriate.

21  
22 Dated: March 29, 2024

Respectfully submitted,

23 **/s/ Mathew K. Higbee**

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**DEMAND FOR JURY TRIAL**

Tamara Williams hereby demands trial by jury of all issues so triable under the law.

Dated: March 29, 2024

Respectfully submitted,

**/s/ Mathew K. Higbee**

Mathew K. Higbee, Esq.

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